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November 19, 2009

VIA EMAIL

[uptownsuzi@yahoo.com](mailto:uptownsuzi@yahoo.com)

VIA FEDERAL EXPRESS

Coyote Gone Wild  
800-802 7th Street  
Parkersburg, WV 26101-9092  
Attn: Suzi Ramirez

Re: COYOTE UGLY®

Dear Ms. Ramirez:

We are intellectual property counsel to Ugly, Inc. ("Ugly"), owner of the world-famous COYOTE UGLY and related trademarks and service marks (collectively, "the Marks"), and owner of the famous Coyote Ugly Saloon bars located throughout the world, including the original bar in New York City. As you no doubt know, the original Coyote Ugly Saloon bar was depicted (pursuant to a license from our client) in the Touchstone motion picture *Coyote Ugly* (the "Movie"), which grossed well more than one hundred million dollars (\$100,000,000.00) worldwide.

Our client has used the Marks prominently and consistently since at least as early as 1993 in connection with bar and tavern and related goods and services, and, as a consequence of the use of the Marks in numerous cities in the United States and abroad, and of the substantial renown engendered therein as a consequence of the Movie, they have become well-known and famous. The fame of our client's bars and the Marks has been elevated to heightened prominence by Country Music Television's very popular reality television series about our client's bars entitled "The Ultimate Coyote Ugly Search," as well as by a celebrated television special that aired on Country Music Television in 2004. The Ultimate Coyote Ugly Search series ran for three seasons and showcased the selection of our client's female bar staff, known as "Coyotes," whose sassy antics, including singing and dancing on the bar both spontaneously and to copyrighted choreography routines has made them famous. Additionally, our client is the owner of incontestable United States federal Registration Nos. 2,144,582; 2,559,097; 2,565,496, 2,594,526; 2,632,027 and 2,654,613 for COYOTE UGLY, United States federal Registration No. 3,078,183 for COYOTE and United States federal Registration 3,344,586 for COYOTE

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GIRL. The Marks are also the subject of registrations and pending applications in more than 50 countries throughout the world.

We write to you concerning the name of your establishment, Coyote Gone Wild (“CGW”), and its unauthorized “Coyote Thursdays” or “Coyote night” events. Both the name of your establishment and the advertising for these events makes conspicuous use of the Marks, and makes reference to bartenders and/or waitresses and/or dancers identified as “Coyote Girls” or “Coyote dancers” who “dance on the bar, pool table, stages, and pole.”

Your own advertising states that CGW is hosting “Coyote Thursday” nights featuring the “Coyote Girls” dancing on the bar in imitation of our client’s Coyotes and engaging in activities that mimic our client’s well-known genre and trade dress. Additionally, the advertising for these events, including but not limited to CGW’s website makes conspicuous use of the Marks.

CGW’s use of the Marks in connection with your establishment which features various stages, stripper poles, and young women dancing for tips is derogatory and depicts our client’s Marks in an unwholesome or unsavory context that is likely to reflect adversely upon Ugly’s services and products and thereby dilute and tarnish Ugly’s highly publicized and famous Marks. The resulting confusion, dilution, disparagement and tarnishment will irreparably harm Ugly’s goodwill and reputation in the marketplace and will otherwise damage Ugly’s business interests.

Accordingly, we write to put you on formal, legal notice that CGW’s blatant usurpation of the Marks represents arrant and egregious infringement of our client’s intellectual property and common law rights and constitutes *prima facie* trademark infringement, unfair competition and a false designation of origin under both federal and state laws, and the copying of Ugly’s copyrighted dance routines constitutes willful copyright infringement.

Given the renown of the Marks, our client’s bars and the Coyote Ugly genre, it is obvious that CGW was and continues to be aware of our client’s rights therein. As such, its use of Ugly’s intellectual property constitutes bad faith and a willful attempt to trade on the goodwill associated with our client. Your company’s activities manifestly create confusion among consumers and falsely give the impression that these activities are somehow associated with or sanctioned by our client.

We therefore demand that CGW immediately cease and desist from all use of the Marks, or any other names or marks colorably similar to the Marks (including any other name or mark that includes the terms “COYOTE” or “UGLY”), as well as all activities that mimic our client’s genre and trade dress, or that otherwise infringe our client’s copyrights or trade on its goodwill. We further demand that you confirm to us, in writing, no later than 5:00 p.m., Wednesday, November 25, 2009, your intent to comply promptly with our demands, failing which our client will proceed with the necessary measures to protect its valuable rights, including, if necessary,

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securing injunctive relief in federal court against CGW and recovering all appropriate damages, including treble damages, attorney's fees and costs.

Should you wish to discuss any aspect of this matter, we suggest that you have your legal representative contact the undersigned before the above-referenced deadline.

This letter is sent without prejudice to our client's rights and remedies, all of which are expressly reserved.

Sincerely,

*Robert J. deBrauwere/ACS*

Robert J. deBrauwere

cc: Ugly, Inc.  
Jeff Wiseman, Esq. (Via Email)